

**Proposed Repeal
10A NCAC 29D .0801
Notification Procedures for Provision of Services**

Agency: DHHS/ Division of Mental Health, Developmental Disabilities and Substance Abuse Services

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Impact: Federal Impact: No
State Impact: No
Local Government Impact: No
Private Sector Impact: No
Substantial Economic Impact: No

Authority: G.S. 122C-113 and 122C-191(d)

I. Overview

The Secretary of DHHS promulgated Rule 10A NCAC 29 .0801 in 1993. In 1996, the Secretary promulgated Rule 10A NCAC 27G .0505, which repeats the language of Rule 10A NCAC 29D .0801.

II. Rationale for Proposed Repeal

The rule is repeated verbatim elsewhere in the North Carolina Administrative Code, found in Rule 10A NCAC 27G .0505. The repeal is being initiated in order to prevent confusion within the Code.

III. Rulemaking Authority

The Secretary of DHHS has rulemaking authority for these rules as set forth in G.S. 122C-113 and 122C-191(d).

IV. Analysis of Fiscal Impact

As this rule is being repealed simply to avoid repeating the same rule within the Code, there is no expense or savings associated with this repeal. The rule will remain in the Code in 10A NCAC 27G .0505; therefore, there will be no fiscal impact by repealing Rule 10A NCAC 29D .0801.

Appendix 1: Rule Proposed for Repeal

Rule 10A NCAC 29D .0801 is proposed for repeal as follows:

SECTION .0800 – COMMUNITY RELATIONS

10A NCAC 29D .0801 NOTIFICATION PROCEDURES FOR PROVISION OF SERVICES

~~(a) If an area program plans to operate or contract for a service located within the catchment area of another area program, the Director of the area program that plans to operate or contract for the service shall notify the Director of the area program in which the service is to be located prior to the provision of the service.~~

~~(b) The notification shall be in writing and shall include the following:~~

- ~~(1) — name of the provider;~~
- ~~(2) — service to be provided; and~~
- ~~(3) — anticipated dates of service.~~

~~In the event of an emergency, notification prior to the provision of service may be by telephone with written notification occurring the next working day.~~

~~(c) Should a dispute resolution concerning such service as described in Paragraph (a) of this Rule be necessary, the Division Director shall arbitrate an agreement between the respective area programs.~~

~~(d) If the Division plans to operate or contract for a service in an area program, the Division Director shall notify the Director of the area program in which the service is to be located, prior to the provision of the service, according to the procedures set forth in Paragraph (b) of this Rule.~~

*History Note: Authority G.S. 122C-113; 122C-141(b); 122C-142(a); 122C-191(d);
Eff. April 1, 1993, 1993;
Repealed Eff. --*

Appendix 2: Duplicate Rule Language for Rule Proposed for Repeal

10A NCAC 27G .0505 NOTIFICATION PROCEDURES FOR PROVISION OF SERVICES

(a) If an area program plans to operate or contract for a service located within the catchment area of another area program, the Director of the area program that plans to operate or contract for the service shall notify the Director of the area program in which the service is to be located prior to the provision of the service.

(b) The notification shall be in writing and shall include the following:

- (1) name of the provider;
- (2) service to be provided; and
- (3) anticipated dates of service.

In the event of an emergency, notification prior to the provision of service may be by telephone with written notification occurring the next working day.

(c) Should a dispute resolution concerning such service as described in Paragraph (a) of this Rule be necessary, the Division Director shall arbitrate a resolution between the respective area programs.

(d) If the Division plans to operate or contract for a service in an area program, the Division Director shall notify the Director of the area program in which the service is to be located, prior to the provision of the service, according to the procedures set forth in Paragraph (b) of this Rule.

*History Note: Authority G.S. 122C-113; 122C-141(b); 122C-142(a); 122C-191(d);
Eff. May 1, 1996.*